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December 12, 2011

VIA ECF FILING SYSTEM

The Honorable William C. Griesbach
U.S. District Court Eastern District
Green Bay Division
125 S. Jefferson Street
Green Bay, WI 54305-2490

RE: *Appleton Papers Inc. et al. v. George A. Whiting Paper Company, et al.*
Case No. 08-CV-00016-WCG

Dear Judge Griesbach:

Appleton Papers Inc. (API) joins in the position set forth in NCR's letter filed with the Court this morning regarding the motion for summary judgment recently filed by Defendants.

We also call the Court's attention to an additional problem with the Defendants' motion. The motion seeks summary judgment against "Plaintiffs" despite the fact that on July 5, 2011, the Court granted API's motion for reconsideration of the conclusion that API had conceded CERCLA liability. Dkt. 1139. On July 28, API filed a motion for summary judgment in the enforcement action seeking a determination that it has no CERCLA liability. Dkt. 194-197. However, that motion remains pending and, thus, Defendants' motion for summary judgment would also require the Court to address the issue of API's alleged CERCLA liability.

Accordingly, API joins in the request that the Defendants' motion for summary judgment be stricken.

Very truly yours,

DeWitt Ross & Stevens s.c.

s/ Ronald R. Ragatz

Ronald R. Ragatz

RRR/ymb

cc: All Counsel of Record (via electronic filing system)